

3. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 of Plaintiffs' Third Amended Complaint. Paragraph 3 is therefore denied.

4. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 of Plaintiffs' Third Amended Complaint. Paragraph 4 is therefore denied.

5. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of Plaintiffs' Third Amended Complaint. Paragraph 5 is therefore denied.

6. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 of Plaintiffs' Third Amended Complaint. Paragraph 6 is therefore denied.

7. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 of Plaintiffs' Third Amended Complaint. Paragraph 7 is therefore denied.

8. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8 of Plaintiffs' Third Amended Complaint. Paragraph 8 is therefore denied.

9. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9 of Plaintiffs' Third Amended Complaint. Paragraph 9 is therefore denied.

10. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10 of Plaintiffs' Third Amended Complaint. Paragraph 10 is therefore denied.

11. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 11 of Plaintiffs' Third Amended Complaint. Paragraph 11 is therefore denied.

12. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 12 of Plaintiffs' Third Amended Complaint. Paragraph 12 is therefore denied.

13. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 13 of Plaintiffs' Third Amended Complaint. Paragraph 13 is therefore denied.

14. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 14 of Plaintiffs' Third Amended Complaint. Paragraph 14 is therefore denied.

15. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15 of Plaintiffs' Third Amended Complaint. Paragraph 15 is therefore denied.

16. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 16 of Plaintiffs' Third Amended Complaint. Paragraph 16 is therefore denied.

17. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 17 of Plaintiffs' Third Amended Complaint. Paragraph 17 is therefore denied.

18. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 18 of Plaintiffs' Third Amended Complaint. Paragraph 18 is therefore denied.

19. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 19 of Plaintiffs' Third Amended Complaint. Paragraph 19 is therefore denied.

20. Defendants admit paragraph 20 of Plaintiffs' Third Amended Complaint.

21. Defendants admit paragraph 21 of Plaintiffs' Third Amended Complaint.

22. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 22 of Plaintiffs' Third Amended Complaint. Paragraph 22 is therefore denied.

23. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 23 of Plaintiffs' Third Amended Complaint. Paragraph 23 is therefore denied.

24. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 24 of Plaintiffs' Third Amended Complaint. Paragraph 24 is therefore denied.

25. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 25 of Plaintiffs' Third Amended Complaint. Paragraph 25 is therefore denied.

26. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 26 of Plaintiffs' Third Amended Complaint. Paragraph 26 is therefore denied.

27. Defendants deny Paragraph 27 of Plaintiffs' Third Amended Complaint.
28. Defendants deny Paragraph 28 of Plaintiffs' Third Amended Complaint.
29. For their Answer to Paragraph 29 of Plaintiffs' Third Amended Complaint, Defendants admit the acts complained of occurred in Douglas County, Nebraska but deny any such acts were negligent.
30. Defendants deny paragraph 30 of Plaintiffs' Third Amended Complaint. Further answering Paragraph 30 of Plaintiffs' Third Amended Complaint, Defendants affirmatively allege Plaintiffs lack a good faith factual basis for the allegations contained therein.
31. Defendants deny Paragraph 31 of Plaintiffs' Third Amended Complaint. Further answering Paragraph 31 of Plaintiffs' Third Amended Complaint, Defendants affirmatively allege the constitutionality of the Nebraska Hospital-Medical Liability Act has already been definitively established. *See Schmidt v. Ramsey*, 860 F.3d 1038 (8th Cir. 2017); *Gourley v. Neb. Methodist Health Sys.*, 265 Neb. 918, 663 N.W.2d 43 (2003).
32. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 32 of Plaintiffs' Third Amended Complaint. Paragraph 32 is therefore denied.
33. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 33 of Plaintiffs' Third Amended Complaint. Paragraph 33 is therefore denied.
34. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 34 of Plaintiffs' Third Amended Complaint. Paragraph 34 is therefore denied.
35. Defendants admit Paragraph 35 of Plaintiffs' Third Amended Complaint.

36. Defendants admit Paragraph 36 of Plaintiffs' Third Amended Complaint.
37. Defendants deny Paragraph 37 of Plaintiffs' Third Amended Complaint.
38. Defendants deny Paragraph 38 of Plaintiffs' Third Amended Complaint.
39. Defendants deny Paragraph 39 of Plaintiffs' Third Amended Complaint.
40. Defendants deny Paragraph 40 of Plaintiffs' Third Amended Complaint.
41. Defendants deny Paragraph 41 of Plaintiffs' Third Amended Complaint.
42. Defendants deny Paragraph 42 of Plaintiffs' Third Amended Complaint.
43. Defendants deny Paragraph 43 of Plaintiffs' Third Amended Complaint.
44. Defendants deny Paragraph 44 of Plaintiffs' Third Amended Complaint.
45. Defendants deny Paragraph 45 of Plaintiffs' Third Amended Complaint.
46. Defendants deny Paragraph 46 of Plaintiffs' Third Amended Complaint.
47. Defendants deny Paragraph 47 of Plaintiffs' Third Amended Complaint.
48. Defendants deny Paragraph 48 of Plaintiffs' Third Amended Complaint.
49. Defendants deny Paragraph 49 of Plaintiffs' Third Amended Complaint.
50. Defendants deny Paragraph 50 of Plaintiffs' Third Amended Complaint.
51. Defendants deny Paragraph 51 of Plaintiffs' Third Amended Complaint.
52. Defendants deny Paragraph 52 of Plaintiffs' Third Amended Complaint.
53. Defendants deny Paragraph 53 of Plaintiffs' Third Amended Complaint.
54. Defendants deny Paragraph 54 of Plaintiffs' Third Amended Complaint.
55. Defendants deny Paragraph 55 of Plaintiffs' Third Amended Complaint.
56. Defendants deny Paragraph 56 of Plaintiffs' Third Amended Complaint.
57. Defendants deny Paragraph 57 of Plaintiffs' Third Amended Complaint.
58. Defendants deny Paragraph 58 of Plaintiffs' Third Amended Complaint.

- 59. Defendants deny Paragraph 59 of Plaintiffs' Third Amended Complaint.
- 60. Defendants deny Paragraph 60 of Plaintiffs' Third Amended Complaint.
- 61. Defendants deny Paragraph 61 of Plaintiffs' Third Amended Complaint.
- 62. Defendants deny Paragraph 62 of Plaintiffs' Third Amended Complaint.
- 63. Defendants deny Paragraph 63 of Plaintiffs' Third Amended Complaint.
- 64. Defendants deny Paragraph 64 of Plaintiffs' Third Amended Complaint.
- 65. Defendants deny Paragraph 65 of Plaintiffs' Third Amended Complaint.
- 66. Defendants deny Paragraph 66 of Plaintiffs' Third Amended Complaint.
- 67. Defendants deny Paragraph 67 of Plaintiffs' Third Amended Complaint.
- 68. Defendants deny Paragraph 68 of Plaintiffs' Third Amended Complaint.
- 69. Defendants deny Paragraph 69 of Plaintiffs' Third Amended Complaint.
- 70. Defendants deny Paragraph 70 of Plaintiffs' Third Amended Complaint.
- 71. Defendants deny Paragraph 71 of Plaintiffs' Third Amended Complaint.
- 72. Defendants deny Paragraph 72 of Plaintiffs' Third Amended Complaint.

**Answer to Count I – Negligence.**

73. For their answer to Paragraph 1 of Count I of Plaintiffs' Third Amended Complaint, Defendants admit Ms. Frauendorfer had a healthcare provider-patient relationship with Plaintiff Tammy Ollie and had a duty to possess and exercise that degree of skill and care expected of a similarly situated provider practicing the same profession in Omaha, Nebraska, or similar communities. The remaining allegations of Paragraph 1 of Count I of Plaintiffs' Third Amended Complaint are denied.

- 74. Defendants deny Paragraph 2 of Count I of Plaintiffs' Third Amended Complaint.

75. Paragraph 3 of Count I of Plaintiffs' Third Amended Complaint is not directed at these Defendants and no response is therefore required.

76. Paragraph 4 of Count I of Plaintiffs' Third Amended Complaint is not directed at these Defendants and no response is therefore required.

77. Defendants deny Paragraph 5 of Count I of Plaintiffs' Third Amended Complaint.

**Answer to Count II – Loss of Consortium.**

78. Defendants are without knowledge or information sufficient to form a belief as to the truth of Paragraph 1 of Count II of Plaintiffs' Third Amended Complaint. Paragraph 1 of Count II of Plaintiffs' Third Amended Complaint is therefore denied.

79. Defendants deny Paragraph 2 of Count II of Plaintiffs' Third Amended Complaint.

80. Defendants deny Paragraph 3 of Count II of Plaintiffs' Third Amended Complaint.

81. Further answering Plaintiffs' Third Amended Complaint, Defendants deny each and every other allegation contained therein not specifically admitted in this Answer.

82. Further answering Plaintiffs' Third Amended Complaint, Defendants affirmatively allege that, at all times relevant hereto, Ms. Frauendorfer possessed and exercised that degree of skill and care expected of a similarly situated healthcare provider practicing her profession in Omaha, Nebraska, or similar communities. Defendants deny Ms. Frauendorfer, or any other employee of Medical Solutions, LLC, was negligent in any way.

83. Further answering Plaintiffs' Third Amended Complaint, Defendants deny any act or omission on their part was a proximate cause of injury or damages to the Plaintiffs.

84. Further answering Plaintiffs' Third Amended Complaint, Defendants deny the nature and extent of Plaintiffs' claimed injuries and damages.

85. Further answering Plaintiffs' Third Amended Complaint, Defendants affirmatively allege said Complaint fails to state a claim upon which relief may be granted.

WHEREFORE, having fully answered Plaintiffs' Third Amended Complaint, Defendants pray said Third Amended Complaint be dismissed with prejudice as to any future claim and at Plaintiffs' cost.

LEAH FRAUENDORFER, R.N. and MEDICAL  
SOLUTIONS, LLC, Defendants,

By: s/ William R. Settles

William R. Settles, #19879

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*ATTORNEYS FOR SAID DEFENDANTS*

# CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **January 25, 2022**, a true and correct copy of **Defendants Leah Frauendorfer, R.N. and Medical Solutions, LLC's Answer to Plaintiffs' Third Amended Complaint** was electronically filed with the Court using the CM/ECF system, which will send notification of such filing to the following:

ATTORNEYS / LAW FIRM	REPRESENTING	EMAIL
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s/ William R. Settles

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